

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DANIEL G. MANN,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 4:22-cv-1060
)	
QUIKTRIP CORPORATION d/b/a)	
QUIKTRIP #644,)	
)	JURY TRIAL DEMANDED
Defendant.)	
)	

NOTICE OF REMOVAL

COMES NOW Defendant, QUIKTRIP CORPORATION d/b/a QUIKTRIP #644, by and through undersigned counsel, and hereby files this Notice of Removal of the above captioned action, originally filed in the Circuit Court of St. Louis County, Missouri, to the United States District Court for the Eastern District of Missouri, Eastern Division, pursuant to 28 U.S.C. § 1441, and in support thereof, respectfully states as follows:

1. On or about July 20, 2022, Plaintiff Daniel Mann filed a Petition for Damages in the Circuit Court of St. Louis County, Missouri against Defendant QUIKTRIP CORPORATION d/b/a QUIKTRIP #644 for personal injury damages arising from an alleged fall which occurred at a QuikTrip location on or about February 17, 2021, in St. Louis County, Missouri. (*See Exhibit A*, Plaintiff's Petition).

2. Plaintiff's lawsuit was assigned Cause No. 22SL-CC03390 in St. Louis County Circuit Court. A copy of the complete court file in Cause No. 22SL-CC03390 is attached hereto as Exhibit B.

3. Plaintiff Daniel Mann is a resident of the State of Missouri. (Exhibit A, ¶1). Therefore, for purposes of removal based on diversity of citizenship, Plaintiff is a citizen of the State of Missouri.

4. Defendant QuikTrip is a foreign corporation organized under the laws of the State of Oklahoma, with its principal place of business in the State of Oklahoma. Therefore, for purposes of removal based on diversity of citizenship, Defendant is a citizen of the State of Oklahoma. 28 U.S.C. §1332(c)(1); *See also Hertz v. Friend*, 559 U.S. 77, 92-93 (2010) (corporation is a citizen of state of incorporation and state in which its principal place of business is located).

5. The amount in controversy in this action, exclusive of interest and costs, exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00) as indicated by the nature of the damages sought in the Plaintiff's Petition. Specifically, Plaintiff alleges that he sustained serious, painful, and permanent injuries to his head, neck, back, left arm, and torso as a result of his alleged fall. (Exhibit A, Plaintiff's Petition, ¶ 21). Moreover, upon information and belief, Plaintiff is claiming medical expenses as a result of his fall in excess of \$100,000, as reflected by liens asserted by his medical providers.

6. Plaintiff obtained service on Defendant QuikTrip on or about September 8, 2022. Therefore, this Notice of Removal has been timely filed within thirty (30) days of service pursuant to 28 U.S.C. § 1446.

7. Because complete diversity of citizenship exists between Plaintiff and Defendant QuikTrip and because the amount in controversy in this action exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00), removal to this Court is proper pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1446.

8. Furthermore, venue is proper in the Eastern Division of this Court pursuant to Local Rule 2.07, as the cause of action purportedly arose from a fall in St. Louis County, Missouri which is within the jurisdiction of the Eastern Division of this Court. (Exhibit A, Plaintiffs' Petition).

9. Defendant QuikTrip has given written notice to Plaintiff of this Notice of Removal being filed and will also file a copy of this Notice of Removal with the Clerk of the Circuit Court of St. Louis County, State of Missouri, as required by Local Rule 2.03.

WHEREFORE, Defendant QUIKTRIP CORPORATION d/b/a QUIKTRIP #644 respectfully requests that the above-referenced state court action be removed from the Circuit Court of St. Louis County to this Court and that this Court accept jurisdiction of the case, and for any other relief this Court deems just and proper.

WATTERS WOLF BUB & HANSMANN, LLC

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CERTIFICATE OF SERVICE AND
CERTIFICATE OF COMPLIANCE WITH RULE 55.03(a)

The undersigned certifies that a true and correct copy of the foregoing was served by the Court's electronic filing system, this ____ day of _____, 2020, on the counsel of record listed below. In addition, the undersigned counsel certifies under Rule 55.03(a) of the Missouri Rules of Civil Procedure that he/she has signed the original of this Certificate and the foregoing pleading.

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/s/ John D. Cooney